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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 DR MANAGEMENT, LLC, et al.,

No. C 05-1010 MMC

12 Plaintiffs,

13 v.

14 UNITED STATES OF AMERICA, et al.,

**ORDER DENYING DEFENDANT'S  
MOTION FOR LEAVE TO FILE  
MEMORANDUM IN EXCESS OF 25  
PAGES; STRIKING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

15 Defendants  
16 \_\_\_\_\_/

17 Before the Court is defendant's motion, filed January 11, 2008, for "Leave to File a  
18 Memorandum in Excess of 25 Pages in Support of Its Motion for Summary Judgment."  
19 Essentially simultaneously therewith, defendant filed its Motion for Summary Judgment, the  
20 memorandum in support of which motion exceeds by 33 pages the page limit provided by  
21 the Civil Local Rules of this District. See Civil L.R. 7-2(b). Plaintiffs thereafter filed  
22 opposition to the motion to file the oversize memorandum, to which opposition defendant  
23 has filed a reply.

24 The Court, having reviewed the above-referenced memorandum, finds defendant's  
25 arguments can be made in fewer in 58 pages. Although the "Statement of Facts" section  
26 proceeds for 34 pages, the "Argument" section makes specific reference to only a small  
27 portion of the facts contained in the "Statement of Facts." Moreover, the Statement of  
28 Facts contains a considerable amount of editorialization. Further, it is unclear whether all

1 of the "facts" referenced in defendant's memorandum are undisputed.

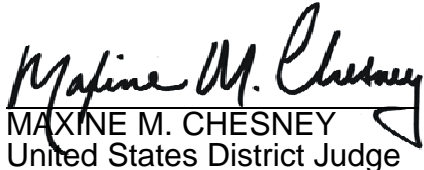
2 Lastly, to the extent any relief from the 25-page limit arguably is warranted, such  
3 relief should have been sought well in advance of the deadline for filing dispositive motions,  
4 to allow the Court adequate time to address such request without adversely affecting the  
5 briefing schedule and, potentially, the trial date.

6 Accordingly, defendant's motion to file its 58-page memorandum is hereby DENIED  
7 and its motion for summary judgment is hereby STRICKEN.<sup>1</sup>

8 If, after considering the parties' respective submissions in support of and in  
9 opposition to plaintiffs' motion for summary judgment, the Court determines plaintiffs are  
10 not entitled to such judgment, and it further appears to the Court that no triable issue exists  
11 with respect to plaintiffs' entitlement to the relief they seek, the Court at that time will  
12 consider allowing defendant to file a motion for summary judgment.

13 **IT IS SO ORDERED.**

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15 Dated: January 17, 2008

  
MAXINE M. CHESNEY  
United States District Judge

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<sup>1</sup>On January 14, 2008, defendant filed a motion seeking leave to file, one court day late, the exhibits in support of its motion for summary judgment; said motion is hereby DENIED as moot.